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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues in relation to the third periodic report of Tunisia*, **

Articles 1 and 4

1. Please indicate what measures have been taken to correct the apparent incompatibility of article 23 of the Constitution, which defines torture as a crime that cannot be time-barred, with the provisions of the Code of Criminal Procedure, which prescribes a 15-year time-bar for crimes of torture.[1] Please say whether the State party envisages the retroactive application of article 101bis of the Criminal Code, in accordance with its Constitution, in order to provide a sound legal basis for criminalizing crimes of torture committed before 2011.[2]

2. With regard to paragraphs 16 and 60 of the State party's additional updated report (CAT/C/TUN/3/Add.1), on the new article 101 bis of the Criminal Code, please indicate what measures have been taken to bring the definition of torture in this article into line with the one in the Convention. More particularly, please explain why punishment is no longer listed as one of the purposes for which torture is prohibited. Please also indicate what measures have been taken to remove the solitary reference to racial discrimination from the State party's definition of torture.[3] With reference to paragraphs 19 and 112 of the State party's additional report and article 101 quater of the Criminal Code, please indicate what criteria are used to decide whether a public official or a person of equivalent status is acting in good faith in reporting an act of torture and is thus exempted from punishment and whether any such cases have already occurred.

* Adopted by the Committee at its fifty-sixth session (9 November-9 December 2015).

** The third periodic report of the State party was submitted in 2009 (CAT/C/TUN/3) and an additional report was submitted in 2014 (CAT/C/TUN/3/Add.1).

[1] See A/HRC/28/68/Add.2, para. 63, and A/HRC/C/22/47/Add.2, para. 34.

[2] See A/HRC/28/68/Add.2, para. 66.

[3] Ibid., para. 64.

Please recycle

Article 2[4]

3. With regard to paragraphs 67, 74 and 178 of the State party's additional report, the previous concluding observations of the Committee,[5] article 29 of the Constitution and article 13 bis of the Code of Criminal Procedure, concerning conditions of police custody, please specify what measures have been taken to:

(a) Expedite the adoption of bill No. 2013-13, which would amend article 13 bis of the Code of Criminal Procedure so as to reduce the duration of police custody to 48 hours.[6] In this regard, please comment on reports that such custody is frequently extended, as well as on the numerous allegations of the police resorting to violence while holding people in custody;

(b) Avoid the systematic renewal of periods of custody through "requests for judicial assistance", especially in cases of persons suspected of terrorism;[7]

(c) Ensure that a person whose custody is extended is transferred to a remand prison, not kept in detention in a police station;[8]

(d) Ensure that persons who have been arrested are able to challenge the decision to place them in police custody or a decision to extend this.[9] Please say how many such appeals have been registered and what the outcomes have been over the past five years;

(e) Guarantee to all persons deprived of their liberty, from the moment they are placed in custody, access to a lawyer of their own choosing or to free legal aid, including during interrogation.[10] Please also say whether there are any plans to amend bill No. 2013-13, which would limit meetings between the lawyer and client to 30 minutes;[11]

(f) In order that traces of torture or ill-treatment do not disappear, ensure that persons held in custody are notified promptly that they are entitled to request a medical examination by an independent doctor or a doctor of their own choosing[12] and that medical visits are not delayed in order to allow any traces of torture or ill-treatment to disappear.[13] Also, please say how the State party ensures that such medical visits are carried out promptly, impartially and independently, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and

[4] The questions raised in respect of article 2 may equally be asked in respect of other articles of the Convention, in particular article 16. As stated in paragraph 3 of general comment No. 2 (2008) on the implementation of article 2 by States parties, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. Please see also part V of this general comment.

[5] See A/54/44, para. 79.

[6] See A/HRC/28/68/Add.2, para. 69, and A/HRC/29/26/Add.3, para. 106.

[7] See A/HRC/28/68/Add.2, para. 70, and CCPR/C/TUN/CO/5, para. 13.

[8] See A/HRC/28/68/Add.2, para. 70.

[9] See CCPR/C/TUN/CO/5, para. 13.

[10] Ibid., para. 13.

[11] See A/HRC/28/68/Add.2, para. 71, and A/HRC/29/26/Add.3, para. 58.

[12] See CCPR/C/TUN/CO/5, para. 13.

[13] See A/HRC/28/68/Add.2, para. 72.

that the outcomes of the visits are duly communicated to judges, lawyers and the detainee's family;[14]

(g) Strive to put a stop to the alleged use of practices such as humiliation, severe beatings, burning with cigarettes, threats against the individual's family, sexual abuse and the use of stress positions during periods in custody.[15]

4. In view of the Committee's previous concluding observations,[16] please provide information on measures taken by the State party to register all persons it detains under its jurisdiction by documenting the identity of the detainee, the date, time and place of detention, the full names of all detaining and interrogating authorities, the grounds for the detention, the date and time of admission to the detention facility, the state of health of the detainee upon admission and any changes thereto, and the time and place of interrogations, as well as the date and time of release or transfer to another detention facility. Please indicate if any law enforcement personnel have been subjected to disciplinary or other measures during the reporting period for failing to properly register detainees in this way or for backdating the date of arrest of terrorism suspects in the register.[17]

5. In view of the reference in the State party's additional report to article 108 of the Constitution, please indicate what measures have been taken to develop a system of free legal aid for those unable to afford a lawyer.[18]

6. With regard to the law against terrorism and money-laundering adopted on 25 July 2015, please indicate whether the State party has repealed the law against terrorism adopted in 2003.[19] Please also indicate whether the law contains a strict definition of terrorism and, in particular, whether the use of deadly or otherwise serious physical violence against members of the general population or certain groups is a central element in the definition.[20] Please specify what measures have been taken to guarantee the rights of detainees, and particularly the right to talk to a lawyer from the moment of arrest, especially in view of the possibility of extending the period of custody to 15 days in cases of terrorism.[21]

7. Please indicate what measures have been taken to guarantee the independence of the judiciary vis-à-vis the executive under articles 102 to 109 of the Constitution, and particularly the independence of prosecutors vis-à-vis the Ministry of Justice.[22] Please also supply information on access to a career in the judiciary and the rules governing judges' security of tenure and the procedure for transferring or dismissing them. With regard to paragraph 35 of the State party's additional report and article 130 of the Constitution, please describe all measures taken over the past five years to combat corruption in the judicial apparatus and the police, and indicate how many investigations into corruption have been carried out by the Good Governance and Anti-Corruption Commission, what the results of these investigations have been, and whether any convictions have resulted from them.[23] With reference to paragraph 46 of the additional report and article 120 of the Constitution, please say if the State party has passed the necessary laws to make the Supreme Council of Justice and the Constitutional Court operational, and if any steps have been taken to guarantee their

[14] Ibid., para. 73, and A/HRC/29/26/Add.3, para. 59.
[15] See A/HRC/28/68/Add.2, paras. 81 and 82.
[16] See A/54/44, para. 78 (b).
[17] See A/HRC/20/14/Add.1, para. 22.
[18] See CAT/C/TUN/3/Add.1, para. 146, and A/HRC/28/68/Add.2, para. 71.
[19] See A/HRC/20/14/Add.1, para. 37.
[20] Ibid., para. 9, and CCPR/C/TUN/CO/5, para 15.
[21] See A/HRC/20/14/Add.1 para. 41 (c).
[22] See A/HRC/28/68/Add.2, paras. 99 and 100, and CCPR/C/TUN/CO/5, para. 17.
[23] See A/HRC/29/26/Add.3, para. 24.

independence.[24] Please indicate also whether the State party has adopted the requisite legislative measures to make the Constitutional Court operational.

8. As far as paragraph 36 of the State party's additional report is concerned, please say what measures have been taken to bring the Higher Committee of Human Rights and Fundamental Freedoms, which became the country's human rights commission under the 2014 Constitution, into line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).[25]

9. In the light of the information provided in paragraphs 38-40 of the State party's additional report, please indicate what measures have been taken to ensure that the National Authority for the Prevention of Torture is indeed set up. In this connection, please provide information on the human and financial resources that have been made available to it,[26] as well as on the difficulties encountered in the process of appointing the members of the Authority.[27]

10. In view of the concluding observations of the Committee[28] and the lack of information provided by the State party in its reports, please indicate what measures have been taken to combat violence against women. Please also provide:

(a) Up-to-date statistics on the number of complaints, investigations, prosecutions and convictions in cases of violence against women since the State party's last report, indicating what percentage of these cases involved marital violence;

(b) Information on measures taken to adopt a general law on violence against women, including acts of domestic violence such as marital rape;[29]

(c) Information on measures taken to amend articles 218, 227 bis and 239 of the Criminal Code, which represent a high risk of impunity for the perpetrators of violence against women, especially in a family setting;[30]

(d) Information on measures taken to provide compensation without any kind of discrimination, including gender-based discrimination, to women who are the victims of rape, sexual harassment or police violence, including for acts that took place during the events of December 2010 and January 2011.[31] Please provide up-to-date statistics on the number of women who have received compensation for violence inflicted on them and the amounts of such compensation;

(e) Information on measures taken to combat the stigmatization and harassment of women's rights defenders and the use of threats and violence against them, and on measures taken to combat judicial harassment and the stigmatization of persons who report sexual violence, including the victims of such violence. Please comment on the case of a young woman who was charged with "indecent behaviour" after lodging a rape complaint against two police officers;[32]

(f) Information on measures taken to curb marital violence, including any programmes set up to raise public awareness of this problem.[33]

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[24] Ibid., para. 20, and A/HRC/24/42/Add.1, para. 59.
[25] See A/HRC/22/47/Add.2, para. 54, and CCPR/C/TUN/CO/5, para. 8.
[26] See A/HRC/28/68/Add.2, para. 76.
[27] Ibid., para. 77.
[28] See A/54/44, para. 75.
[29] See CEDAW/C/TUN/CO/6, para. 27.
[30] Ibid.
[31] See A/HRC/23/50/Add.2, para. 21.
[32] See A/HRC/22/47/Add.2, para. 72.
[33] See CCPR/C/TUN/CO/5, para. 10, and CEDAW/C/TUN/CO/6, para. 27.

11. Please give an update on the status of the bill on human trafficking. Please also indicate what measures have been taken to establish a comprehensive system for the collection of disaggregated data on the sale, trafficking and abduction of human beings.[34] Please supply data covering the past five years, disaggregated by year, sex, age and ethnic origin or nationality of the victim, on the number of complaints filed, the procedures followed and prosecutions initiated, specifying the type of criminal offence in question, convictions and sentences for trafficking and the protection and rehabilitation measures available to victims. Please provide information on measures taken to combat the economic and sexual exploitation of domestic employees and to ensure that the victims of such abuse have access to justice.[35]

12. With regard to paragraphs 92-100 of the State party's additional report, please indicate whether the State party intends to amend the Criminal Code to incorporate the principle of the responsibility of superiors for torture or ill-treatment committed by subordinates where they knew or should have known that such impermissible conduct was occurring, or was likely to occur, and they failed to take reasonable and necessary preventive measures.[36]

Article 3

13. With regard to paragraphs 102-107 of the State party's additional report, please provide updated statistics broken down by age, sex and nationality on the number of asylum applications received by the State party since the consideration of its last periodic report. Please specify the number of applications granted, including those accepted on the grounds that the applicants had been subjected to torture or would be at risk of torture if they were sent back to their country of origin, as well as the number of return orders rescinded by the Indictments Chamber of the Court of Appeal owing to a risk of torture. Please state the number of persons extradited, expelled or sent back and the countries of destination.

14. Please provide information on any progress made in the adoption of the asylum bill, and on the current asylum, return and extradition procedure, and in particular, on the protection afforded to refugees, asylum seekers, and persons who are extradited or sent back in order to avoid any risk of refoulement.[37] Please indicate what measures have been taken to ensure that foreigners who have been detained have access to a lawyer and to the judicial authorities to allow them to apply for asylum or some form of subsidiary protection. Please also indicate whether an appeal against a deportation or extradition order has suspensive effect. Lastly, please provide information on measures taken to uphold the State party's commitments towards migrants picked up at sea, particularly as regards providing them with adequate and decent accommodation.

15. With regard to the law on combating terrorism and money-laundering adopted on 25 July 2015, please indicate what guarantees there are to prevent the refoulement of persons convicted of terrorist offences when there is a risk that they might be subjected to torture or ill-treatment in their home country.

16. Please indicate whether the State party bases its decisions on "diplomatic assurances" when sending persons back to countries where there are serious grounds for believing that they are at risk of being tortured. Please cite all the cases in which the State party has received diplomatic assurances from another State, specifying

[34] See CRC/C/TUN/CO/3, para. 64, and CEDAW/C/TUN/CO/6, para. 32.
[35] See CEDAW/C/TUN/CO/6, para. 49.
[36] See CAT/C/GC/2, para. 26, and A/HRC/28/68/Add.2, para. 65.
[37] See CERD/C/TUN/CO/19, para. 15.

which State supplied the assurances, the content thereof and any steps taken to monitor the situation of the persons concerned after their return. In this connection, please supply information on the extradition in 2012 of Baghdadi Ali Mahmudi to Libya and the guarantees put in place to prevent his torture and ill-treatment.

Articles 5 to 9

17. Please indicate whether, since the consideration of the second periodic report in 1998, the State party has rejected, for any reason, a request by another State for the extradition of a person suspected of committing acts of torture and whether it has, as a result, taken the necessary steps to prosecute the person itself. If so, please provide information on the status and outcome of the proceedings.

Article 10

18. Please provide information on the resources allocated to human rights training programmes, and on measures taken to ensure that all relevant personnel are aware of and have access to such programmes.[38] With regard to paragraphs 167 and 172 of the State party's additional report, please indicate the number and content of training programmes for officials and members of the security forces on the treatment of detainees and the prohibition of torture and ill-treatment.[39] Please also indicate whether the principles of the "Tunisian community policing model" have been put into practice and, if so, in how many police districts. Please also provide up-to-date information on measures taken under the programme to improve the treatment of detainees launched in 2013. With reference to paragraph 189 of the State party's additional report, concerning the training courses for personnel responsible for the monitoring and surveillance of places of deprivation of liberty, please indicate whether the draft guide to visits to places of detention has been adopted.

19. Please provide details of the training courses for members of the security forces on appropriate standards for the use of force, including during demonstrations.

20. Please indicate the number and content of courses that train medical staff working with persons deprived of their liberty to detect and document the physical and psychological sequelae of torture and to determine whether torture has actually occurred. Please also indicate whether the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) is covered in these courses.

Article 11

21. With regard to paragraphs 172 and 251 of the State party's additional report, please provide:

(a) Annual statistics, broken down by place of detention, on total capacity of detention facilities, giving the numbers of remand and convicted prisoners. Please also provide updated information on the average amount of space per inmate;[40]

(b) Information on measures in place to prevent overcrowding in detention facilities, in light of reports that some of them are operating at 150 per cent capacity.[41]

[38] See A/HRC/29/26/Add.3, para. 88.
[39] See CCPR/C/TUN/CO/5, para. 11 (b), and CCPR/C/TUN/CO/5/Add.1, p. 3.
[40] See CAT/C/TUN/3/Add.1, table 3, para. 251.
[41] See A/HRC/28/68/Add.2, para. 103.

Please include information on measures taken to increase the use of non-custodial measures such as probation, fines or suspended sentences for first offenders, and to speed up judicial procedures;

(c) Information on progress made in the construction of new prisons, as described in table 4 of paragraph 251 of the State party's additional report, and in improving the physical conditions of detention in the main detention facilities under the 2013 programme to improve the treatment of detainees;[42]

(d) Information on measures to ensure observance of the principle of the separation of remand and convicted prisoners, as well as statistics on the number of detention facilities where such separation is practised and the number where it is not;[43]

(e) Information on measures to increase the number of qualified staff in direct contact with prisoners, particularly in the prisons in El Kef and Sfax, and on the average number of prisoners per guard in each detention facility;[44]

(f) Information on measures to ensure the availability of medical services in all establishments and to increase the number of in-house doctors and specialists;[45]

(g) Information on measures to prevent violence among prisoners, including sexual abuse, and to protect their physical integrity;

(h) Information on the measures in place to improve opportunities for access to work and rehabilitation, as well as vocational and academic courses, inside the prison, in line with paragraph 248 of the State party's additional report.

22. With regard to paragraph 249 of the additional report, please confirm that inmates are examined by a physician automatically within 48 hours of being incarcerated. Please also indicate whether:

(a) Medical staff are in a position to examine detainees out of earshot and, unless the doctor concerned expressly requests otherwise in a given case, out of sight of prison guards;

(b) Medical records can be consulted by the detainee and his or her lawyer upon request;

(c) The report drawn up after the medical examination contains: (i) a record of the relevant statements by the individual concerned (including their description of their state of health and any allegations of ill-treatment); (ii) a full account of objective medical observations based on a thorough examination; and (iii) the doctor's conclusions in light of points (i) and (ii) above, regarding the consistency of any allegations of ill-treatment with the objective medical findings;

(d) The medical personnel are able to flag, in complete confidence, any signs of torture to the sentence enforcement judge, in line with paragraph 224 of the additional report, and to the public prosecutor and prison inspection services.

23. Taking into account paragraph 279 of the third periodic report and paragraphs 68, 69, 73 and 134 of the State party's additional report, please provide annual statistical data on the number of detainees in pretrial detention, including as a proportion of the total number of detainees. Please also elaborate on the effectiveness of the system, described in paragraph 279 of the third periodic report and paragraph 208 of the additional report, to ensure that pretrial detention periods are not

[42] See CAT/C/TUN/3/Add.1, paras. 50 and 172.
[43] See A/HRC/28/68/Add.2, para. 106.
[44] Ibid., para. 104.
[45] Ibid., and see CAT/C/TUN/3/Add.1, table 2, para. 251.

exceeded,[46] given that some detainees have reportedly been awaiting trial for years. Please also indicate what measures have been taken to encourage the implementation of alternative, non-custodial sentences,[47] and provide annual statistical data on the percentage of cases that resulted in alternatives to pretrial detention.

24. In view of the Committee's previous concluding observations, paragraphs 398 and 399 of the State party's third periodic report, paragraph 214 of the additional report and the reports of suspicious deaths in police custody,[48] please provide detailed information on the investigations opened into such deaths, their outcome, the number of deaths attributed to violent attacks by public officials or by other prisoners, the excessive use of force or negligence, the prosecutions instituted, the convictions secured, and the criminal and disciplinary penalties imposed, with an indication of the length of the prison sentences. Please include updated statistics on deaths in custody since 2013 in all places of detention, as well as information on the outcome of the investigations of these deaths. Please specify the number of detainees who died for want of timely medical care and treatment, indicating the penalties imposed on the officials concerned. Lastly, please also include information on the outcome of the investigations and the penalties imposed on perpetrators in the following cases:

(a) The death of Abderraouf Khemmassi on 8 September 2013, while in police custody in Tunis, from a blow to the head and other injuries;

(b) The death, on 24 September 2014, of Ali Khemais Louati, who alleged before he died that he had been subjected to torture, ill-treatment and threats. Please comment on the allegations that the administration of Borj al-Amri Prison had also denied him medical treatment;

(c) The death of Mohamed Ali Snoussi on 3 October 2014, following six days in Bouchoucha jail. Please comment on the allegations that he was brutally beaten by police officers and that, following his stay in custody, the prison refused to admit him on account of his particularly critical condition. Please also indicate whether his family was finally able, after several requests, to see the autopsy report;

(d) The death of Walid Denguir on 2 November 2014, during his interrogation at the police station in Sidi al-Bashir in Tunis, approximately one hour after his arrest;

(e) The death, on 14 December 2014, of the Messaadine prison inmate Makram al-Sherif, whose body showed signs of mutilation and torture;

(f) The death of Abdelmajid Jedday on 13 May 2015, the day after his arrest in the National Guard district in Sidi Bouzid. Please comment on the allegations that a month earlier he had filed a complaint against members of the National Guard for violence and ill-treatment;

(g) The cases concerning Rachid Chamakhi and Faisal Barakat, referred to in paragraph 269 of the additional report.

25. In view of paragraphs 122 and 265 of the State party's third periodic report and paragraph 78 of the additional report, please clarify whether solitary confinement can be imposed on minors or persons with psychosocial disabilities as a disciplinary measure. Please also specify what measures have been put in place to ensure that solitary confinement is used as a disciplinary measure only as a last resort and that its length does not exceed the 10 days provided for by law.[49]

[46] See CAT/C/TUN/3/Add.1, para. 208.
[47] See A/HRC/28/68/Add.2, para. 111, CRC/C/TUN/CO/3, para. 66 (c), and A/HRC/20/14/Add.1, para. 41 (d).
[48] See A/54/44, para. 73 (d), and A/HRC/28/68/Add.2, para. 82.
[49] See A/HRC/28/68/Add.2, para. 105.

26. The State party emphasizes in its additional report that, in accordance with article 11 of the Code of Criminal Procedure, law enforcement officials are answerable to the public prosecutor and that, as a result, interrogations are under constant review by the public prosecutor's office (CAT/C/TUN/3/Add.1, para. 202). In view of the reports that questioning takes place with no lawyer or judge present and that detainees are thus at risk of torture and threats, please state what specific measures have been taken to ensure systematic monitoring of interrogations and persons in police custody.[50]

27. Please indicate whether the organizations mentioned in paragraphs 256 and 257 of the additional report are allowed to visit all places of deprivation of liberty and have the right to speak freely with detainees. How have their recommendations been taken into account?[51] Please also explain why the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment was denied access to police headquarters in Al-Gorjani in June 2014.

Articles 12 and 13

28. With regard to paragraphs 117, 213, 214 and 281 of the State party's additional report, please provide comprehensive data for the past five years, broken down by type of offence and investigating authority, on: (a) the number of complaints received by prosecutors or other competent authorities, or the number of investigation reports filed, involving such offences as attempts to commit acts of torture or ill-treatment, or the commission of such acts, and complicity or participation in such acts by law enforcement officials or with the consent or acquiescence of those officials; (b) the number of these complaints that have led to a criminal or disciplinary investigation; (c) the number that have been dismissed;[52] (d) the number that have led to prosecutions; (e) the number that have led to convictions; and (f) the criminal and disciplinary sanctions that have been imposed, specifying the length of prison sentences. Please also indicate: for each year, the number of investigations into cases of torture and ill-treatment that led to ex officio prosecutions, including in places of detention where allegations of torture have been especially numerous, such as the police headquarters in Al-Gorjani and Kasserine, the detention centre in Bouchoucha and the Mornaguia and Borj al-Rumi prisons; please indicate also the number of cases of torture or ill-treatment reported by physicians after clinical examinations of detainees and the follow-up to their reports.

29. Please indicate what progress has been made with structural and legislative reforms to the competence of various internal security forces, including the intelligence services, and safeguards to ensure their neutrality.[53] Please say also what measures are planned to combat impunity in light of information to the effect that 70 per cent of approximately 500 complaints of violence perpetrated by public officials between 2011 and 2015 have been dismissed.

30. In view of reports that prosecutors and judges sometimes appoint the alleged perpetrators of acts of torture and ill-treatment, or their supervisors in the judicial police, to investigate complaints,[54] please indicate how the independence of the police, the inspection agencies of the Ministry of Justice and the National Security and National Guard Inspectorates is guaranteed during investigations, so that there are no reporting lines or institutional ties connecting the persons suspected of torture and the

[50] Ibid., para. 109.
[51] See CCPR/C/TUN/CO/5, para. 16.
[52] See A/HRC/28/68/Add.2, para. 89.
[53] See A/HRC/24/42/Add.1, paras. 65-74 and 87 (c), and A/HRC/20/14/Add.1, para. 41 (f).
[54] See A/HRC/28/68/Add.2, para. 91.

inspectors or investigators.[55] Please say how the relationship is established between the disciplinary agencies and the prosecution service in cases where it must be determined whether public officials have committed acts of torture or ill-treatment. Please say whether the public prosecutor is always informed of the opening and closing of disciplinary investigations concerning cases of torture or ill-treatment, or whether he or she is informed only when the inspection agencies consider that the facts warrant a criminal investigation. Please also clarify whether all officials who are suspected of committing acts of torture and ill-treatment are systematically suspended or reassigned during the investigation.

31. With regard to paragraphs 276 and 277 of the State party's additional report, please comment on allegations that when a person first appears before a judge, the latter sometimes takes no action even though he or she observes visible signs of torture on the victim's body.[56] In this respect, please indicate what measures have been put in place by the Inspectorate-General of the Ministry of Justice to monitor and sanction such deviant behaviour as well as the excessive delays in the handling of complaints of torture, noted by the State party itself in paragraph 117 of the additional report. Please also indicate what percentage of the cases listed in paragraph 117 of the additional report involved proceedings initiated ex officio by judges who observed signs of torture on an accused person, in particular after the period in police custody.

32. Please say whether the State party is contemplating the adoption of a prosecution strategy covering the complete chain of command that led to serious human rights violations during the revolution and the long lead-up to it, especially under the Government of Ben Ali.[57] With regard to the trials before military courts in Tunis, Le Kef and Sfax where former representatives of the State are being prosecuted for crimes committed during the uprising between December 2010 and January 2011, please comment on reports that victims are absent from proceedings[58] and that investigations, prosecutions and trials are being conducted in an apparently arbitrary manner.[59] Please say whether the State party has considered the possibility of ordinary civil courts retrying or reviewing cases concerning gross human rights violations that were previously tried before military courts, in accordance with the recommendation of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.[60]

33. With regard to paragraphs 234-241 and 285 of the State party's additional report, please indicate what specific measures are being considered to address the deficiencies mentioned in paragraph 241 as regards the investigation of complaints, in particular:

(a) To ensure the confidentiality and independence of the mechanism for filing complaints of torture and ill-treatment, particularly when the victims are deprived of their liberty;

(b) To protect complainants and witnesses from possible retaliation, taking into account the Committee's previous recommendations and reports of retaliation against complainants.[61] Please also indicate the number of protective measures taken for victims of torture in relation to the number of requests for protection over the past five years;

(c) To inform complainants of the outcome of their complaints without delay.

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[55] Ibid.

[56] Ibid., para. 93, and CCPR/C/TUN/CO/5, para. 11.

[57] See A/HRC/24/42/Add.1, para. 85 (a) and (b), and CCPR/C/TUN/CO/5, para. 11.

[58] See A/HRC/28/68/Add.2, para. 98.

[59] See A/HRC/24/42/Add.1, para. 45.

[60] Ibid., para. 85 (d).

[61] See A/54/44, paras. 72 and 78 (c), and A/HRC/28/68/Add.2, para. 95.

Article 14

34. In view of paragraph 293 of the State party's additional report, please explain how the Transitional Justice Law and the concomitant comprehensive strategy[62] will give effect to the four constituent parts of transitional justice (truth, criminal justice, reparation and guarantees of non-recurrence). In particular:

(a) As far as truth-seeking is concerned, please describe the action taken and planned in response to the reports of the National Fact-Finding Commission and the National Commission of Investigation on Corruption and Embezzlement.[63] Please provide information on the scope of the mandate of the Truth and Dignity Commission and the steps taken to ensure that it successfully completes its various tasks,[64] especially in respect of access to State archives and judicial files and protection for witnesses and victims;[65]

(b) As far as criminal justice is concerned, please supply information on the functioning of the special chambers set up under Decree No. 2014-2887 of 2014;

(c) As far as reparation mechanisms are concerned, please say what action has been taken and is planned to ensure that the same type of violation gives rise to the same possibilities for and forms of reparation, that there is no discrimination between male and female victims and that reparation encompasses the provision of free medical and psychological assistance enabling the victim to be rehabilitated and reintegrated into society.[66]

35. With regard to paragraphs 289-295 of the State party's additional report, please provide data on all the points mentioned in paragraph 46 of the Committee's general comment No. 3 on the implementation of article 14 of the Convention by States parties. Please include information on:

(a) The number of victims of torture or ill-treatment who have sought compensation through legal, administrative and other means over the past five years, the nature of the alleged violations, the number of victims who have been awarded compensation and in what amounts. This information should also include the number of claims for compensation from the State for torture and ill-treatment in places of detention, the number of claims that have been time-barred as a result of the inertia of the courts, and the number of claims granted. It should likewise reflect the number of cases in which compensation for psychological damage was awarded and the amount of compensation awarded in cases in which the complainants won;

(b) The legal aid and witness protection received by victims of torture or ill-treatment as well as by witnesses and others who have intervened on behalf of victims, including how such protection is publicized and how it is made available in practice, with an indication of the number of victims who have been granted legal aid;

(c) The measures taken in response to the Committee's decisions under article 22 of the Convention, including in cases Nos. 60/1996 *Barakat v. Tunisia*, 187/2001 *Dhaou Belgacem Thabti v. Tunisia*, 188/2001 *Imed Abdelli v. Tunisia*, 189/2001 *Bouabdallah Ltaief v. Tunisia*, 269/2005 *Salem v. Tunisia* and 291/2006 *Ali v. Tunisia*.

[62] See A/HRC/24/42/Add.1, para. 83 (c).
[63] Ibid., para. 84 (a).
[64] Ibid., para. 39.
[65] See A/HRC/28/68/Add.2, paras. 79 and 80.
[66] See A/HRC/24/42/Add.1, paras. 16 and 86, and A/HRC/28/68/Add.2, para. 102.

Article 15

36. With regard to paragraph 297 of the additional report, please describe the measures taken by the State party to guarantee the enforcement, in practice, of article 155, paragraph 2, of the new Code of Criminal Procedure on the inadmissibility of confessions obtained under torture or coercion.[67] Please comment on reports of systematic extraction of confessions under torture, particularly in cases of alleged terrorism.[68] Please explain the value that judges attach to police reports contested by an accused person who claims to have been tortured and forced to sign such reports. Please provide examples of cases in which a judge found such reports invalid.

Article 16

37. Given the moratorium on the death penalty in place since 1991, please indicate whether the State party intends to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Please also indicate the number of prisoners under sentence of death and the prison regime applicable to them.

38. Please provide information on the follow-up to the recommendation of the Special Rapporteur on torture concerning the need to amend legislation governing the use of force.[69] Please also provide data for the past five years, broken down by type of offence and investigating authority, on complaints, investigations, prosecutions, convictions and penalties for the excessive use of force, including during the shooting in Kasserine on 23 August 2015 that led to the deaths of two women, on Martyrs' Day (9 April 2012) in Tunis[70] and during the demonstrations in Sidi Bouzid in 2012,[71] Siliana in November 2012 and Tunis in May 2013.[72]

39. Please comment on allegations that public officials did not intervene rapidly enough in several instances in which extremist religious groups attacked artists and writers.[73] Please also provide data for the past five years, broken down by type of offence and investigating authority, on complaints, investigations, prosecutions, convictions and penalties for threats, acts of harassment and attacks against: (a) human rights defenders, such as Hela Boujnah, who was assaulted on the night of 24 to 25 August 2014 in Sousse by police officers after she went to a police station to ensure that the rights of her brother, who had been taken into custody, were respected; and Ahmed Kaaniche, who was assaulted by police officers in Sfax on 8 July 2014; (b) bloggers,[74] such as Lina Ben Mhenni and her father, the activist Sadok Ben Mhenni, who were attacked in Djerba on 30 August 2014 by police officers, first in front of and then inside the police headquarters in Houmt Souk; and Azyz Amami, who was arrested in May 2014 with the photographer Sabri Ben Mlouka; (c) artists and culture professionals;[75] (d) journalists and other media professionals, especially when they cover demonstrations; and (e) lawyers, such as Imen Triki or Charfeddine Kellil,[76] who have defended victims of the revolution and/or persons suspected of acts of

[67] See A/HRC/29/26/Add.3, para. 59, and CCPR/C/TUN/CO/5, para. 12.
[68] See A/HRC/28/68/Add.2, paras. 81 and 84.
[69] Ibid., para. 86.
[70] See A/HRC/22/47/Add.2, para. 41.
[71] Ibid., para. 42.
[72] See A/HRC/28/68/Add.2, para. 85.
[73] See A/HRC/22/47/Add.2, paras. 73-75.
[74] Ibid., paras. 64 and 66.
[75] Ibid., para. 75.
[76] Ibid., para. 81.

terrorism. Please also indicate what measures have been taken to protect these groups.[77]

40. Please provide information on steps taken to prevent and combat the illegal arrest of suspects' family members, particularly in the context of counter-terrorism measures, and to protect them from abuse, including the use of force, threats of arrests and sexual assault, during arrests and searches in suspects' places of business or in their homes.[78]

41. Please indicate what measures have been taken to combat violence against children, including in the family environment, and provide disaggregated data on cases of violence against children at home and in school.[79] Please indicate what steps have been taken to establish a system to collect and analyse data on the sexual exploitation and abuse of children, as well as on the prosecution and punishment of the perpetrators.[80]

[77] See CCPR/C/TUN/CO/5, para. 20.
[78] See A/HRC/26/68/Add.2, para. 83.
[79] See CRC/C/TUN/CO/3, paras. 47 and 48, and CRPD/C/TUN/CO/1, para. 16.
[80] See CRC/C/TUN/CO/3, para. 62.